REMARKS/ARGUMENTS

In view of the foregoing amendments and following remarks, favorable reconsideration is respectfully requested.

Claim 1 has been amended to recite "A communication terminal device comprising: a packet unit determining unit configured to select a most appropriate packet unit for transmission data to be packetized, wherein the packet unit determining unit only selects packet units that can be recognized by a destination communication terminal device; and a packet generator for packetizing the transmission data based on a packet unit determined by said packet unit determining unit." Support for this amendment is found in Paragraph 0027.

Claims 1-5 and 7-10 have been rejected under 35 U.S.C § 102(e) as being anticipated by U.S. Patent No. 6,728,263 to Joy et al. (Joy). Claim 6 has been rejected under 35 U.S.C § 102(e) as being anticipated by U.S. Patent No. 2002/0099632 to Yanagidate et al. (Yanagidate).

Joy is directed to an audio and video conferencing system having a client and a server. (Joy, Col. 1, Lines 11-23). Joy discloses dynamically adjusting packet size based on the bandwidth of the client. The bandwidth of the client is the determining factor in adjusting the packet size in Joy. (Joy, Col. 1, Lines 59-64). Joy discloses other embodiments in which packet size is based on a data frame size of a codec of the server, video receive capabilities of the client, and video transmit capabilities of the server. (Joy, Claim 12).

The goal of applicant's invention is to transmit appropriately sized packets to reduce data transmission and reception inefficiencies, which in turn leads to reduced data communications charges for users. Amended Claim 1 recites a communication terminal device comprising a packet unit determining unit configured to select a most appropriate packet unit for transmission data to be packetized, wherein the packet unit determining unit only selects packet units that can be recognized by a destination communication terminal device. Packets which are not recognizable by the destination communication terminal device are not selected to be packetized. Thus, only recognizable packets are sent to a destination communication terminal, and unrecognizable packets are not unnecessarily transmitted.

In contrast to amended Claim 1, Joy does not teach or suggest a packet unit determining unit that only selects packet units that can be recognized by a destination communication terminal device. Instead, Joy determines client bandwidth, and selects packet size based on

either a high or low client bandwidth to achieve transmissions using the actual bandwidth of the client. (Joy, Figure 3). Joy does disclose selecting packet size based on the video receive capabilities of the client. (Joy, Col. 7, Lines 31-36). However, upon determining that the client has suitable video receive capabilities, Joy selects a dynamic size of the packets based on a predetermined high bandwidth. Upon determining that the client has unsuitable video receive capabilities, Joy selects a dynamic size of the packets based on the predetermined low bandwidth. Client bandwidth is the driving factor in determining packet size in Joy. That is, Joy does not select only those packets which can be recognized by the client, but instead selects packet size based on the client bandwidth, and sends packets to a client regardless of whether the client recognizes the packet. Accordingly, Joy does not disclose or suggest a packet unit determining unit that selects only packet units that are recognizable by the client, and does not select packet units that the client is unable to recognize.

Applicants therefore respectfully submit that amended independent Claim 1, and by dependency Claims 2-5, are patentably distinct from Joy. Applicants also submit that independent Claim 7 includes subject matter similar to amended independent Claim 1, including selecting only those packet units that can be recognized by a destination communication device. As such, Applicants also respectfully submit that independent Claim 7, and by dependency Claims 8-10, are also patentably distinct from Joy for at least the same reasons given above with respect to amended independent Claim 1.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 1-5 and 7-10 as being anticipated by Joy is overcome.

Yanagidate is directed to a method for employing a cable television (CATV) network as an IP network to provide an internet connection service for CATV users. (Yanagidate, Abstract). In contrast to Claim 6, Yanagidate does not teach or suggest means for generating a billing file storing information for billing which includes a packet communication rate. The Office Action contends that Yanagidate recites storing a packet communication rate. (Office Action, Page 6). However, Yanagidate disclose a minimum and maximum communication speed. (Yanagidate, Para. 0062-63). Applicant's packet communication rate refers to packet transmission cost to the user. (Para. 0034). The cost of the packet transmission is calculated by multiplying the packet units by the number of packets by the unit price of the packet, the unit price of the packet being
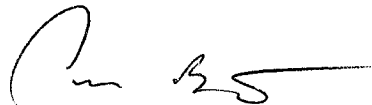
the communication rate. (Figure 4). Yanagidate refers to communication rate as a speed of the data transmission, whereas Applicant refers to communication rate as the price of data transmission. Therefore, Yanagidate does not disclose or suggest a billing file which stores information related to a packet communication rate, where the packet communication rate is the unit price of the packet.

Applicants therefore respectfully submit that amended independent Claim 6 is patentably distinct from Yanagidate. For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claim 6 as being anticipated by Yanagidate is overcome.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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